



## **SUBMISSIONS**

# **On the Draft Land Transport (Driver Licensing) Amendment Rule 2019**

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## **INTRODUCTION**

This submission is provided by Civil Contractors New Zealand (CCNZ) in response to NZTA's draft Land Transport (Driver Licensing) Amendment Rule 2019.

In 2016 CCNZ submitted on the Ministry of Transport, NZTA Driver Licencing Review Discussion Paper and many of the comments and view expressed in this submission are the same as those expressed in our 2016 submissions.

## **ABOUT CCNZ AND OUR MEMBERS**

Civil Contractors New Zealand is the national industry body representing 600 civil and general contractors who carry out the country's civil infrastructure construction and maintenance work, and the associated businesses that support civil construction with equipment and services. We estimate the civil construction sector carries out more than \$12 billion of work annually and employs in excess of 40,000 workers.

Our members range from large civil construction and infrastructure companies employing thousands of staff to very small contractors and family businesses who own and operate trucks, graders, rollers and other heavy vehicles. Many of our members operate fleets of vehicles including trucks. Most of our worksites are not well serviced by public transport, therefore workers are required to drive to work.

The lack of appropriate driver licenses is a barrier to people entering the industry both in terms of getting to work sites and the operation of machinery on site. Like many other businesses our members face a shortage of qualified drivers, particularly truck drivers.

Much of the work undertaken by our members involves road works. The industry is therefore very interested in ensuring drivers are appropriately qualified.

This review of driver licensing is of interest to us because:

- most of our members operate heavy vehicles including trucks as part of their operations
- many of our staff are working on our roading network and are therefore exposed to the risks created by unsafe drivers
- many staff members working for contractors require license endorsements to operate machinery on sites

## **SUMMARY OF SUBMISSIONS**

CCNZ supports the need for a review of driver licencing to achieve the following three outcomes:

- improve road and road works site safety
- reduce unnecessary compliance costs
- remove unnecessary complexity from the driver licensing system.

**We support many of the proposals but the key changes we would like to see are:**

- 1. Further simplification and rationalisation of the progression from class 2 to class 5 licences as suggested by the Road Transport Forum**
- 2. A graduated system that is less focused on time and more focused on competency**
- 3. NZTA taking a stronger role in overseeing the provision comprehensive and rigorous testing of competency which is independent of driver training providers.**

CCNZ's comments in this submission relate to the overview of the proposals rather than the detailed draft bill. We have limited our comments to issues that are of primary interest to our members.

## **DETAILED SUBMISSIONS**

### **Proposal 1: Reduce requirements for eyesight testing**

CCNZ supports the proposals which allow for the move to online licencing but also manages issues around gradual eyesight deterioration.

Most people seeking to renew their licence would be aware of any significant deterioration in their eyesight since their licence was issued or last renewed, and would be actively managing this for a range of reasons. We therefore believe that the declaration will be a sufficient requirement for relicensing.

The move to digital licensing renewals will have significant benefits for the public. Most staff members working for contractors require a licence either to get to/from work and/or to operate machinery on sites.

Many staff live and work in areas not well serviced by licensing agents and can work long hours to meet contract deadlines or on urgent public works (e.g. roading closures after adverse events). The time, cost and inconvenience of having to physically visit the licensing agent for renewals is significant for these people.

## **Proposal 2: Simplify progression from class 2 to class 5 licences**

The proposal to simplify progression from class 2 to class 5 licences is a good start, but CCNZ would like to see further simplification and rationalisation of the classes.

We have read and support the detailed submission made by the Road Transport Forum regarding a move to a 3-tier approach consisting of Class 1 followed by Class 2 leading finally to Class 5 and the associated changes suggested to rationalise weight limits and thresholds.

## **Proposal 3: Remove accelerated licencing process**

CCNZ support the proposal and acknowledges that this has not been widely used by industry. Given the ongoing shortage of drivers this indicates that it is not meeting the needs of industry.

The streamlining of the pathway from the Class 2 to the Class 5 License as proposed above would eliminate the need for the Accelerated Licencing Process.

## **Proposal 4: Remove requirements for special type vehicle endorsements**

Contractors New Zealand supports the proposal to remove the requirement for special type vehicle endorsements, which will leave in place the requirement for operators of these machines to hold a licence authorising them to drive motor vehicles of an equivalent class when these machines are operated on a road.

We agree the requirements of the Health and Safety at Work Act 2015 have superseded the endorsements for forklifts, wheels, tracks and rollers.

Currently, while employers are required by law to ensure people to hold the endorsement, they also undertake further checks (usually practical testing and checks on previous experience) to ensure employees are capable of operating specific machines in the environment where the employee will be working. For example, a person operating an excavator in a worksite on a busy urban street requires different skills to a person using the same excavator in an open field or rural environment.

CCNZ is concerned about the inaccuracy of the comment in the paper (Proposal 4, paragraph 3 first sentence) that states "*Special Type vehicles are rarely used on the roads*". This is not correct. The legal definition of roads is very wide and typically includes many areas of private land and business premises that are open to the public e.g. quarries, contractors' yards and some work sites. NZTA's website states the following

*"The definition of **road** that is used for law enforcement purposes, including the enforcement of requirements relating to the use of motor vehicles, has been widened from the traditional view of what is a road.*

*This statutory definition covers places to which the public have access - whether of right or not. For an example, read the definition of 'road' in the Land Transport Act 1998 (on the Public Access to Legislation Project website). Take particular note of paragraph (d) and the words 'A place to which the public have access, whether as of right or not.'*

The extension of the legal definition of a road to many areas of private land and into many businesses' properties open to the public or where for example a farmer grants walking access to the public creates further complications around this issue.

Further work needs to be done to resolve this issue by in our view, restricting the definition of a road in the proposals to be more logical regarding private land.

Vehicles covered by special endorsements are frequently used in the civil construction industry and therefore many people working in the industry have a Wheels/Tracks/Rollers endorsement.

Most of these vehicles are moved between jobs on transporters. However, many of our job sites *are* roads or require the operation of equipment on roads for short distances (e.g. loading and unloading from transporters, to get from one part of the site to another). The wide legal definition of road, mentioned above, also means that many of these vehicles are used on the road.

We agree specialised knowledge and training is required to drive and operate these vehicles safely, and that the major risks in operating such equipment is largely occupational rather than road safety related in terms of the common (rather than legal) definition of a road. We support the view that the current requirements for training are a duplication of the requirements under the Health and Safety at Work Act 2015.

We agree the removal of the required endorsement will reduce compliance costs by removing the need for drivers to apply for the endorsement. However, we do not believe the costs savings for courses will be significant. Training will still be required. In the past, this has filled the dual purpose of the licence endorsement and on-site H&S.

We expect that the removal of the endorsement could be unpopular with many current endorsement holders. This would suggest a long phase-out period would be a good option.

The removal of endorsements would not be perceived in our industry as reducing H&S controls as employers, clients and other PCBU's are very aware of their responsibilities under the new health and safety legislation.

While we support the retention of the requirement to hold a licence, this can be a barrier for young people entering the industry as they are often required to operate machines in sites (many of which are roads). However, if people are permitted to hold a restricted or full licence in the appropriate class this will enable younger drivers who have been through both the Class 1 Learners theory test and the Restricted Licence practical test to operate machines on a site.

Civil construction is currently experiencing widespread skills shortages. We need to establish a process whereby people can learn the skills they need to perform work. This pathway for special- type vehicle operators needs to be recognised in the licensing system.

### **Proposal 5: Standardise speed thresholds for tractors and special type vehicles**

Many of our members operate tractors to maintain and build civil infrastructure.

CCNZ supports the proposals to standardise the speed thresholds for these vehicles. This standardisation will simplify requirements and improve safety by reducing the speed

differential between these vehicles and other vehicles using the road. We agree that the rules need to be based on the type of equipment rather than the industry it is used in.

**Proposal 6: Simplify the rules for tractors that can be driven on class 1 licences**

CCNZ supports the proposals.

**Proposal 7: Schedule 3 in light of proposals 5 and 6**

CCNZ supports the proposals

**Proposal 8: Allow automatic renewal of general licences for some endorsement holders**

CCNZ supports the proposals.

**Proposal 9: Improve oversight of approved course providers**

CCNZ supports the proposals, but would like to see further changes to:

1. Introduce active moderation of approved course providers to support and enforce the new measures
2. Introduce independent competency testing. Civil Contractors New Zealand are currently involved in establishing a competency test regime for plant and equipment operators in association with NZTA and civil construction industry providers.

We support the proposals that will enable the NZ Transport Agency to manage risks associated with the conduct or behaviour of approved course providers. Students attending courses run by NZTA-approved operators expect a high level of professional training and accordingly pay significant amounts for the training. It is critical to students, the public, employers and to the reputation of NZTA that the training is provided in a way that does not compromise public safety. We fully support additional management tools being available to NZTA.

In addition to the proposals NZTA must ensure they have the capability to both moderate course providers and undertake follow up actions using the proposed management tools.

As stated earlier, we do not believe approved courses should replace practical assessments as this enables trainers to effectively issue licences. This is a conflict of interest. Paid trainers will be reluctant to have too many students failing as it may bring into question the quality of their training.

It is critical to public safety that competency assessments are administered independently of any training either by NZTA or an independent NZTA appointed representative not aligned to any training organisation.

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